

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TIM PETERSON, on behalf of himself
And all others similarly situated,

Case No. 8:23-cv-00146-BCB-MDN

Plaintiff,

v.

LEARFIELD COMMUNICATIONS,
LLC, SIDEARM SPORTS, LLC, THE
UNIVERSITY OF NEBRASKA-LINCOLN,
And UNIVERSITY OF NEBRASKA-
LINCOLN d/b/a UNL DEPARTMENT
OF ATHLETICS,

Defendants.

_____/

NOTICE OF CONSTITUTIONAL QUESTION

To: Merrick B. Garland
Attorney General for the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

PLEASE TAKE NOTICE, pursuant to Fed. R. Civ. P. 5.1(a)(1)(B), that Defendants Learfield Communications, LLC (“Learfield”) and Sidearm Sports, LLC’s (“Sidearm”) Motion to Dismiss Plaintiff’s Class Action Complaint questions the constitutionality of the federal Video Privacy Protection Act, 18 U.S.C. § 2710. Specifically, Learfield and Sidearm argue that the VPPA is an unconstitutional restraint on speech in violation of the First Amendment of the United States Constitution. A copy of Learfield and Sidearm’s Motion to Dismiss is attached hereto, and service will be made upon the United States Attorney General.

Dated: August 14, 2023

Respectfully submitted,

/s/ Bonnie Keane DelGobbo

Jarrod D. Reece

Bar Number: 24800

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*Attorneys for Defendants Learfield
Communications, LLC and Sidearm Sports,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically filed on August 14, 2023 with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record. I further hereby certify that I served a true and correct copy of the foregoing Notice of Constitutional Question and a true and correct copy of Defendants Learfield Communications, LLC and Sidearm Sports, LLC's Motion to Dismiss Plaintiff's Class Action Complaint via certified mail upon the following:

Merrick B. Garland
Attorney General for the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

/s/ Bonnie Keane DelGobbo